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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

**(HONORABLE ANTHONY J. BATTAGLIA)**

UNITED STATES OF AMERICA, ) CASE NO. 08MJ1524-01(AJB)  
Plaintiff, )  
v. )  
SERGIO GUZMAN-SOSA, ) STATEMENT OF FACTS AND  
Defendant. ) MEMORANDUM OF POINTS AND  
 ) AUTHORITIES IN SUPPORT OF  
 ) DEFENDANT'S AMENDED MOTIONS.  
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)

I.

## **STATEMENT OF FACTS<sup>1</sup>**

Mr. Guzman was arrested on May 15, 2008, and charged with violating 8 U.S.C. § 1324. Mr. Guzman was arrested in a white Chrysler 300C, VIN # 2CHE66G3XH578213, with California license plate # 6AVG135. According to discovery provided by the government, agents followed the vehicle prior to pulling over Mr. Guzman. Furthermore, there appears to have been communication amongst the agents prior to the vehicle stop. Agents stopped the vehicle, in part, because of clothes that the occupants were wearing and clothes that were dangling from the trunk of the vehicle.

<sup>1</sup> Most of this statement of facts is based on information provided by the government. Mr. Guzman does not admit its accuracy and reserves the right to challenge it at a later time.

II.

## **MOTION TO PRESERVE EVIDENCE**

Mr. Guzman has reason to believe that the government possesses evidence that could be crucial for his defense at trial, and therefore, he asks that it be preserved. This includes, but is not limited to, the vehicle seized in this case, any and all of the vehicle's parts, including those which may have been removed or taken off the body of the vehicle, all of the contents of the vehicle, any dispatch tapes pertaining to this case, any handwritten notes pertaining to this case, the clothes that were discovered in the trunk of the vehicle, the clothes that the occupants were wearing at the time of their arrest, and any personal effects taken from Mr. Guzman, and all evidence that could be discoverable under Rule 16.

III.

## CONCLUSION

For the reasons stated, Mr. Guzman requests that this Court grant his motion.

Respectfully Submitted,

Dated: May 29, 2008

/s/ Erick L. Guzman  
**ERICK L. GUZMAN**  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Guzman-Sosa